

HARGRAY COMMUNICATIONS, INC.
P.O. Box 5519
Hilton Head Island, South Carolina 29938

October 25, 2005

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, D.C. 20554

Re: Hargray Communications, Inc.
WC Docket No. 05-196
Subscriber Acknowledgement Report (October 25, 2005)

Dear Ms. Dortch:

On August 26, 2005, the Federal Communications Commission (“Commission”) released a Public Notice requiring interconnected voice over Internet protocol (“VoIP”) providers to submit a report regarding the status of receipt of affirmative acknowledgements by subscribers that they have read and understood an advisory concerning the limitations of their enhanced 911 (“E911”) service.¹ Pursuant to this First Public Notice, Hargray Communications, Inc. (the “Company”) submitted reports on September 1, 2005 and September 23, 2005 (“First PN Reports”).

On September 27, 2005, the Commission released a Second Public Notice in which it announced that it would not pursue enforcement action against VoIP providers that had received acknowledgements from 90 percent or more of their subscribers.² In this Second Public Notice, the Commission stated that for companies that had not obtained acknowledgments from 90 percent or more of their subscribers, the Commission would continue forbearing from enforcing the acknowledgement requirement until October 31, 2005, provided that these providers submitted a status report by October 25, 2005.³ As of the release of the Second Public Notice, the Company had not obtained acknowledgements from at least 90 percent of its VoIP subscribers. Accordingly, the Company hereby submits the following status report:

1. Efforts undertaken to obtain acknowledgements from the remainder of the subscriber base.

¹ See *Enforcement Bureau Provides Further Guidance to Interconnected Voice Over Internet Protocol Service Providers Concerning Enforcement of Subscriber Notification Requirement*, WC Docket Nos. 04-36 & 05-196; DA 05-2358, Public Notice (rel. Aug. 26, 2005) (“First Public Notice”).

² See *Enforcement Bureau Provides Further Guidance to Interconnected Voice Over Internet Protocol Service Providers Concerning Enforcement of Subscriber Notification Requirement*, WC Docket Nos. 04-36 & 05-196; DA 05-2530, Public Notice (rel. Sept. 27, 2005) (“Second Public Notice”).

³ *Id.*

As described in its Subscriber Notification Report, the Company sent letters to all of its VoIP subscribers on July 28, 2005 which contained an attachment summarizing the limitations of their E911 service and informing the subscribers that they must sign the attachment and return it via mail or fax to the Company's business office no later than August 8, 2005 ("July 28th Letter").⁴ A pre-addressed, postage paid envelope was provided in the mailing if the customers chose to return the acknowledgement by mail. As described in the Subscriber Notification Report and the First PN Reports, the Company sent follow up letters on August 9, 2005 and has contacted active customers that have not responded informing them that they will be disconnected if they do not respond by the FCC prescribed deadline. The Company has continued this practice since the filing of these reports.

2. Explanation as to why the Company has been unable to achieve an acknowledgement percentage closer to 100%.

The Company has done all that it can do to encourage subscribers to submit acknowledgements. As described above, the Company has sent follow up letters and made repeated phone calls to subscribers that have not yet responded including informing them that they face disconnection if they do not respond. The lower than 90% acknowledgement percentage is certainly not due to any fault of the Company.

3. The current percentage of acknowledgements that the Company has received as of the date of the filing.

Although the Company has been continuing to contact subscribers that have not responded, 69 percent of the company's external active VoIP subscribers have acknowledged receipt of the notice.

Please contact the undersigned with any questions.

Respectfully Submitted,

s/ Dewaine Wilson

Dewaine Wilson

cc: Byron McCoy, Telecommunications Consumers Division, Enforcement Bureau
Kathy Berthot, Deputy Chief, Spectrum Enforcement Division, Enforcement Bureau
Janice Myles, Competition Policy Division, Wireline Competition Bureau
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⁴ See Hargray Communications, Inc., Subscriber Notification Report, WC Docket No. 05-196, filed on Aug. 10, 2005 ("Subscriber Notification Report"). A sample copy of the July 28th Letter and attachment was provided with this filing.